



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Momma, et al.

Examiner:

Serial No: 10/630,355

Art Unit: 3738

For: Endovascular Implant for the Injection of an Active Substance into the Media of a Blood Vessel

Filed: 30 July 2003

Date: 21 January 2004

Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Under 37 CFR 1.97

This Information Disclosure Statement is filed more than three months after the patent application, but is before an action on the merits, so it is timely filed without payment of a fee. 37 CFR §1.97. Further, it is timely filed in that it is filed to report references, some of which first came to the attention of the applicant through a foreign search report made within the last three months.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 CFR §1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13, at 25.

This Information Disclosure Statement is made to comply with the duty of candor imposed on all individuals associated with the filing or prosecution of this application, as

defined by 37 CFR §1.56(c).

Nine (9) U.S. patents and/or published applications and eight (8) foreign patent documents, are listed on the attached two (2) sheets of Form PTO/SB/08A which is made a part hereof. A copy of each is enclosed. One (1) published paper is listed on the attached one (1) sheet of Form PTO/SB/08B which is made a part hereof. Also enclosed, but not listed on the form, is a copy of a search report dated November 10, 2003 from the European Patent Office on application 03090242.3, which claims priority from the same German application from which this US application claims priority.

Reference AA is characterized by the inventors at paragraph [0008] of the specification as filed. Reference AB is characterized by the inventors at paragraph [0009] of the specification as filed.

Of the foreign patent documents, References BA, BB, BD, and BF through BH are in English. References BC and BE are in German and a search for English language family members has not turned up any translations of these documents.

Reference BD is an equivalent English version of DE 695 27 141 T2 listed in the foreign search report provided herewith. Reference AI is an equivalent English version of DE 101 50 995 A1 listed in the foreign search report provided herewith.

An English language abstract is available for Reference BC and reads as follows:

"The invention relates to a catheter (1) for preventing restenosis after angioplasty, especially a balloon catheter, having an externally releasable radiation sensitizer (10) and provided in the radioactive area on or in the outer wall of the catheter or the outer surface thereof. This makes it possible to easily combine local application of radiation therapy using a catheter with local tissue sensitization. The balloon wall especially has several layers, more particularly polymer layers (6, 7, 8, 9). At least one of said layers (7) is radioactive and at least another layer (9) includes the

radiation sensitizer (10)."

An English language abstract is available for Reference BE which gives the title as "Vascular prosthesis/stent for stenosis reversal" and which reads as follows:

"The stent comprises three concentric layers. Inner and outer (10) surfaces are coated with a hard, brittle, ceramic material (40) especially iridium oxide or titanium nitride. The central layer (30) is the base of the stent and defines its physical properties. An intermediate layer (32) completely surrounds the base layer (15) of the central area and is made of micropellets with a diameter of between 50-100 nanometers."

Reference AI is copending with U.S. Patent application serial number 10/630,355 and both are commonly owned.

The foregoing Information Disclosure Statement is based upon the information known to the inventor or contained in the undersigned agent's file as of the filing date of this statement and is inclusive of the best information known to each of the undersigned at that date. Prompt consideration of the Information Disclosure Statement and the references by the Examiner is earnestly requested.

Respectfully submitted,



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/630,355
Filing Date	07/30/2003
First Named Inventor	Momma, et al.
Art Unit	3738
Examiner Name	Unknown

Attorney Docket Number 117163.00077

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
AA	US- 6,287,628	B1		09/11/2001	Hossainy et al.	
AB	US- 6,254,632	B1		07/03/2001	Wu et al.	
AC	US- 6,210,392	B1		04/03/2001	Vigil et al.	
AD	US- 6,283,947	B1		09/04/2001	Mirzaee	
AE	US- 6,190,404	B1		02/20/2001	Palmaz et al.	
AF	US- 5,997,468			12/07/1999	Wolff et al.	
AG	US- 5,865,814			02/02/1999	Tuch	
AH	US- 5,865,814			02/02/1999	Tuch	
AH	US- 5,830,217			11/03/1998	Ryan	
AI	US- 2003/0069631	A1		04/10/2003	Stoll	
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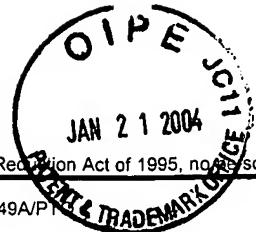
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴	Kind Code ⁵ (if known)				
BA	WO	01/49357	A2	07/12/2001	Ray et al.		
BB	WO	00/67647		11/16/2000	Palasis		
BC	DE	198 19 426	A1	11/11/1999	Hehrlein		
BD	WO	95/29647		11/09/1995	Buirge et al.		
BE	DE	199 16 086	A1	10/14/1999	Haft		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/08a (08-03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			
	BF	WO	98/55174	12/10/1998	Barry	
	BG	WO	98/23228	A1	Burkoth et al.	
	BH	EP	0 920 882	A2	Forman	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/630,355
				Filing Date	07/30/2003
				First Named Inventor	Momma, et al.
				Art Unit	3738
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached.

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